

**Town of Weston
Inland Wetlands and Watercourses
Regulations**

Effective 12/15/99

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SECTION 1

TITLE AND AUTHORITY

- 1.1** The wetlands and watercourses of the Town of Weston are indispensable, irreplaceable and fragile natural resources with which the citizens have been endowed. The wetlands and watercourses are an interrelated web of nature essential to an adequate supply of surface and underground water; to hydrological stability and control of flooding and erosion; to the recharging and purification of groundwater; and to the existence of many forms of animal, aquatic and plant life. Many wetlands and watercourses have been destroyed or are in danger of destruction because of unregulated use by reason of the deposition, filling or removal of material, the diversion or obstruction of water flow, the erection of structures and other uses, all of which have despoiled, polluted and eliminated wetlands and watercourses. Such unregulated activity has had, and will continue to have, a significant, adverse impact on the environment and ecology of Weston and has and will continue to imperil the quality of the environment, thus adversely affecting the ecological, scenic, historic and recreational values and benefits for the citizens of Weston now and forever more. The preservation and protection of the wetlands and watercourses from random, unnecessary, undesirable and unregulated uses, disturbance or destruction, is in the public interest and is essential to the health, welfare and safety of the citizens of Weston. It is, therefore, the purpose of these regulations to protect the citizens of Weston by making provisions for the protection, preservation, and maintenance and use of the wetlands and watercourses by minimizing their disturbance and pollution; maintaining and improving water quality in accordance with the highest standards set by federal, state, or other local authority; preventing damage from erosion, turbidity or siltation; preventing loss of fish and other aquatic organisms, wildlife and vegetation and the destruction of the natural habitats thereof; deterring and inhibiting the danger of flood and pollution; protecting the quality of wetlands and watercourses for their conservation, economic, aesthetic, recreational and other public and private uses and values; and protecting potable fresh water supplies from the dangers of drought, overdraft, pollution, misuse and mismanagement by providing an orderly process to balance the need for the economic growth of Weston and the use of its land with the need to protect its environment and ecology in order to forever guarantee to the people of Weston the safety of such natural resources for their benefit and enjoyment and for the benefit and enjoyment of generations yet unborn.
- 1.2** These regulations shall be known as the "Inland Wetlands and Watercourses Regulations of the Town of Weston".

- 1.3** The Conservation Commission of Weston was established in accordance with an ordinance adopted February 15, 1973, and shall implement the purposes and provisions of the Inland Wetland and Watercourses Regulations in the Town of Weston and shall be known as the Inland Wetland and Watercourse Regulating Agency ("Agency").
- 1.4** These regulations have been adopted and may be amended, from time to time, in accordance with the provisions of the Inland Wetlands and Watercourses Act and these regulations.
- 1.5** The Agency shall enforce all provisions of the Inland Wetlands and Watercourse Regulations and shall grant, grant with terms, conditions, limitations or modifications, and deny permits for all 'regulated activities on inland wetlands and watercourses in the Town of Weston pursuant to' Sections 22a-36 to 22a-45, inclusive, of the Connecticut General Statutes, as amended.

SECTION 2

DEFINITIONS

2.1 As used in these regulations:

- a.** "Act" means the Inland Wetland and Watercourses Act, Sections 22a-36 through 22a-45 of the General Statutes, as amended.
- b.** "Agency" means the Conservation Commission of the Town of Weston.
- c.** "Aquifer" means a water bearing stratum of permeable rock, sand, or gravel.
- d.** "Bogs" are usually distinguished by evergreen trees and shrubs underlain by peat deposits, poor drainage, and highly acidic conditions.
- e.** "Clear-cutting" means the harvest of timber in a fashion which removes all trees down to a two (2) inch diameter at breast height or removal of vegetation in a manner which significantly alters the natural or indigenous character of the regulated area.
- f.** "Commission member" means a member, or the designated alternate, of the Conservation Commission of the Town of Weston.

g. "Commissioner of Environmental Protection" means the Commissioner of the State of Connecticut Department of Environmental Protection.

h. "Continual Flow": means a flow of water which persists for an extended period of time; this flow may be interrupted during periods of drought or during the low flow period of the annual hydrological cycle, June through September, but it recurs in prolonged succession.

i. "Deposit" includes, but shall not be limited to fill, grade, dump, place, discharge or emit.

j. "Designated agent" means an individual designated by the agency to carry out its functions and purposes.

k. "Discharge" means emission of any water, substance, or material into wetlands or watercourses whether or not such substance causes pollution.

l. "Disturbing the natural and indigenous character of the land" means that the activity may significantly alter the inland wetland and watercourses by reason of removal or deposition of material, clear cutting, alteration or obstruction of water flow, or may result in the pollution of the wetland or watercourse.

m. "Essential to the farming operation" means that the activity proposed is necessary and indispensable to sustain farming activities on the farm.

n. "Farming" means the commercial use of the land for the growing of crops, raising of livestock or other agricultural uses.

o. "Feasible" means able to be constructed or implemented consistent with sound engineering principles.

p. "Gardening" means the tilling of the soil, planting, cultivating and harvesting of vegetables, fruits and/or flowers.

q. "License" means the whole or any part of any permit, certificate of approval or similar form of permission which may be required of any person by the provisions of these regulations under the authority of the Agency.

r. "Management Practice" means a practice, procedure, activity, structure or facility designed to prevent or minimize pollution or the environmental damage or to maintain or enhance existing environmental quality.

Such management practices include, but are not limited to erosion and sedimentation controls; restrictions on land use or development, construction setbacks from wetlands or watercourses (including zone of non disturbance for soil and vegetation), proper disposal of waste materials, procedures for equipment maintenance to prevent fuel spillage, construction methods to prevent flooding or disturbance of wetlands and watercourses, design and construction of drainage systems to prevent post construction disturbances or changes to wetlands or changes to wetlands or watercourses; procedures for maintaining continuous stream flows confining construction that must take place in watercourses to times when water flows are low and fish and wildlife will not be adversely affected.

s. "Marshes" are areas with soils that exhibit aquatic moisture regimes that are distinguished by the absence of trees and shrubs and are dominated by soft-stemmed herbaceous plants. The water table in marshes is at or above the surface throughout the year, but seasonal fluctuations are encountered and areas of open water six inches or more in depth are common.

t. "Material" means any substance, solid or liquid, organic or inorganic, including but not limited to: soil, sediment, aggregate, land, gravel, clay, bog, peat, mud, debris, sand, stones, boulders, refuse or waste.

u. "Municipality" means the Town of Weston, Fairfield County, Connecticut.

v. "Nurseries" means land used for propagating trees, shrubs or other plants for transplanting, sale, or for use as stock for grafting.

w. "Permit" means the whole or any part of any license, certificate or approval or similar form of permission which may be required of any person by the provisions of these regulations under the authority of the Agency.

x. "Permittee" means the person to whom such permit has been granted.

y. "Person" means any person, firm, partnership, association, corporation, company, organization or legal entity of any kind, including municipal corporations, governmental agencies or subdivisions thereof.

z. "Pollution" means harmful thermal effect or the contamination or rendering unclean or impure of any waters of Weston by reason of any waste or other materials discharged or deposited therein by any public or private sewer or otherwise so as directly or indirectly to come in contact with any waters. *This* includes, but is not limited to, erosion and sedimentation resulting from any filling, land clearing or excavation activity.

aa. "Prudent" means economically and otherwise reasonable in light of social benefits to be derived from the proposed regulated activity provided cost may be considered in deciding what is prudent and further provided a mere showing of expense will not necessarily mean an alternative is imprudent.

bb. "Regulated activity" means (i) any operation within or use of a wetland or watercourse area involving removal or deposition of material or any obstruction, construction, alteration or pollution of such wetlands, or watercourses, but shall not include the specified activities in Section 4 of these regulations, (ii), any clearing, grubbing, filling, grading, paving, excavating, constructing, depositing or removing of material and discharging of storm water on the land within 100 feet measured horizontally from the boundary of any wetland or watercourse (iii) and any other activity located in any other non-wetland or non-wetland or non-watercourse area that is likely to impact or affect wetlands or watercourses .

cc. "Regulated Area" means any wetland or watercourse, as defined in these regulations.

dd. "Remove" includes, but shall not be limited to, drain, excavate, mine, dig, dredge, suck, grub, clear cut timber, bulldoze, dragline or blast.

ee. "Rendering unclean or impure" means any alteration of the physical, chemical or biological properties of any waters of Weston, including, but not limited to, change in odor, color, turbidity or taste.

ff. "Significant activity" means any activity, including, but not limited to, the following activities which may have an effect or impact on the area for which an application has been filed or on another part of the inland wetland or watercourse system.

1. Any activity involving deposition or removal of material which will or may have an effect or impact on the regulated area or on another part of the wetland or watercourse system or

2. Any activity which substantially changes the natural channel or may inhibit the natural dynamics of a watercourse system or

3. Any activity which diminishes the natural capacity of a wetland, or watercourse to support desirable fisheries, wildlife, or other biological life, prevent flooding, supply water, assimilate waste, facilitate drainage, provide recreation or open space, or other functions or

4. Any activity which causes turbidity, siltation or sedimentation in a wetland or watercourse or

5. Any activity which causes a diminution of flow of a natural watercourse, or groundwater levels of a regulated area or

6. Any activity which causes or has the potential to cause pollution of a wetland or watercourse, or

7. Any activity which damage or destroys unique wetland or watercourse areas or having demonstrable scientific or educational value or

8. Any activity which creates conditions which may adversely affect the health, welfare, and safety of any individual or the community.

gg. "Soil Scientist" means an individual duly qualified in accordance with standards set by the Federal Office of Personnel Management. Membership in the Society of Soil Scientists of South New England provides a convenient mechanism to determine that an individual is qualified in accordance with the standards set by the Federal Office of Personnel Management, but a duly qualified individual may choose not to be a member of such society.

hh. "Swamps" are areas with soils that exhibit aquatic moisture regimes and are dominated by wetland trees and shrubs.

ii. "Submerged lands" means those lands which are inundated by water on a seasonal or more frequent basis.

jj. "Town" means the Town of Weston, Fairfield County, in the State of Connecticut.

kk. "Vernal pool" consists of a confined basin depression which contains a small body of standing water, usually drying out for part of the year during warm weather. It can be natural or man-made, and lacks a permanent outlet stream or any fish population. Further, the occurrence of one or more of the obligatory species which include the fairy shrimp, spotted salamander, Jefferson salamander, marbled salamander, wood frog and eastern spadefoot toad are necessary to conclusively define the vernal pool.

ll. "Waste" means sewage (natural or manmade) or any substance liquid, gaseous, solid or any radioactive material which pollutes or tends to pollute any of the Regulated Areas.

mm. "Watercourses" means rivers, streams, brooks, waterways, lakes, ponds, marshes, swamps, bogs, and all other bodies of water, natural or artificial, vernal or intermittent, public or private, which are contained within, flow through or border upon the Town or any portion thereof not regulated pursuant to section 22a-28 through 22a-35 inclusive, of the General Statutes, as amended. Intermittent watercourses shall be delineated by a defined permanent channel and bank and the occurrence of two or more of the following characteristics:
(a) evidence of scour or deposits of recent alluvium or detritus, (b) the presence of standing or flowing water for a duration longer than a particular storm incident, and (c) the presence of hydrophytic vegetation;

nn. "Weston" means the Town of Weston, Connecticut.

oo. "Wetlands" means land, including submerged land as defined in Section 2.I(ii) of these regulations, not regulated pursuant to Section 22a-28 through 22a-35, inclusive, of the Connecticut General Statutes, which consists of any of the soil types designated as poorly drained, very poorly drained, alluvial and floodplain by the National Cooperative Soils Survey, as it may be amended from time to time, by the Natural Resource Conservation Service of the U. S. Department of Agriculture (USDA). Such areas may include filled, graded, or excavated site~ which possess an aquic (saturated) soil moisture regime as defined by the USDA Cooperative Soil Survey.

SECTION 3

INVENTORY OF REGULATED AREAS

- 3.1** The map of regulated areas, entitled "Designated Inland Wetlands and Watercourses Map of the Town of Weston, dated September 7, 1976, current revision", delineates the general location and boundaries of inland wetlands and the general location of watercourses. Copies of this map are available for inspection in the office of the Town Clerk or the Agency. This map shall be considered to be a guide. In all cases, the precise location of regulated areas shall be determined by the actual character of the land, the distribution of wetland soil types, and location of watercourses. The Agency may use aerial photography, remote sensing imagery, resource mapping, soils maps, site inspection observations or other information in determining the location of the boundaries of wetlands and watercourses.
- 3.2** Any property owner who disputes the designation of any part of his or her land or adjoining land which impacts on their property as a Regulated Area on the "Designated Inland Wetlands and Watercourses Map of the Town of Weston", may petition the Agency to change the Wetlands and Watercourse Map, or may petition the Agency to change the designation in accordance with Section 14 of these Regulations. All petitions for a map change shall be submitted in writing and shall include all relevant facts and circumstances which support the change. The petitioner shall provide proof that the change is valid. Documentation in accordance with Section 14 of these regulations may be required of the property owner when the agency requires an accurate delineation of regulated areas.
- 3.3** The Agency or its designated agent(s) shall inventory and maintain current records of all regulated areas within the Town. The Agency may amend its map from time to time as information becomes available relative to more accurate delineation of wetlands and watercourses within the Town. Such map amendments are subject to the public hearing process outlined in Section 14 of these regulations.

SECTION 4

PERMITTED USES AS OF RIGHT & NON REGULATED USES

4.1 The following operations and uses shall be permitted in inland wetlands and watercourses, as of right:

- a.** Grazing, fanning, nurseries, gardening and harvesting of crops and farm ponds of three acres or less essential to the farming operation, and activities conducted by, or under the authority of, the Department of Environmental Protection for the purposes of wetland or watercourse restoration or enhancement or mosquito control. The provisions of this section shall not be construed to include road construction or the erection of buildings not directly related to the fanning operation, relocation of watercourses for continual flow, filling or reclamation of wetlands or watercourses with continual flow, clear cutting of timber except for the expansion of agricultural cropland, or the mining of topsoil, peat, sand, gravel or similar material from wetlands or watercourses for the purposes of sale;
- b.** A residential home (i) for which a building permit has been issued
- c.** or (ii) on a subdivision lot, provided the permit has been issued or the
- d.** subdivision has been approved by the Planning and Zoning Commission as of the effective date of promulgation of the municipal regulations pursuant to subsection (b) of section 22a-42a, or as of July 1, 1974, whichever is earlier, and further provided no residential home shall be permitted as of right pursuant to this subsection unless the building permit was obtained on or before July 1, 1987. The individual claiming a use of a wetland permitted as of right under this subsection, or desiring to use a wetland not of right, shall document the validity by providing a certified copy of the building permit and a site plan showing proposed and existing topographic contours, house and well locations, septic system, driveway, approval dates or other necessary information to document his entitlement;
- c.** Boat anchorage or mooring, not to include dredging or dock construction;
- d.** Uses incidental to the enjoyment or maintenance of residential property, such property defined as equal to or smaller than the largest minimum residential lot site permitted anywhere in the municipality and containing a residence. Such incidental uses shall include maintenance of existing structures and landscaping, but shall not include removal or deposition of substantial amounts of material from or into a wetland or watercourse, or diversion or alteration of a watercourse.

e. Construction and operation, by water companies as defined by Section 16-1 of the General Statutes or by municipal water supply systems as provided for in Chapter 102, of the Connecticut General Statutes, of dams, reservoirs and other facilities necessary to the impounding, storage and withdrawal of water in connection with public water supplies except as provided in Sections 22a-40 1 through 22a-410 of the General Statutes.

f. Maintenance relating to any drainage pipe which existed before the effective date of any municipal regulations adopted pursuant to Section 22a-42a or July 1, 1974," whichever is earlier, provided such pipe is on property which is zoned as residential but which does not contain hydrophytic vegetation. For purposes of this subdivision, "Maintenance" means the removal of accumulated leaves, soil, and other debris whether by hand or machine, while the pipe remains in place.

4.2 The following operations and/or uses shall be permitted as non-regulated uses in wetlands or watercourses, provided they do not disturb or affect or have the potential to disturb or affect the natural and indigenous character of the wetland or watercourse, by removal or deposition of material, alteration or obstruction of water flow or pollution of the wetland or watercourse.

a. Conservation of soil, vegetation, water, fish, shellfish, and wildlife. Such operation or use may include, but is not limited to, minor work to control erosion, or to encourage proper fish, wildlife and silviculture management practices.

b. Outdoor recreation including the use of play and sporting areas, golf courses, field trails, nature study, hiking, horseback riding, swimming, skin and scuba diving, camping, boating, water skiing, trapping, hunting, fishing and shellfishing and cross-country skiing where otherwise legally permitted and regulated.

4.3 All activities in wetlands or watercourses involving filling, excavation, dredging, clear cutting, grading and excavation or any other alteration or use of a wetland or watercourse not specifically permitted by this section shall require a permit from the Agency in accordance with Section 6 of these regulations.

- 4.4** To carry out the purposes of this section, any person proposing to carry out a permitted or nonregulated operation or use of a wetland or watercourse, which may disturb the natural and indigenous character of the land, shall, prior to commencement of such operation or use, notify the Agency on an application form provided by it, and provide the Agency with sufficient information to enable it to properly determine that the proposed operation and use is a permitted or nonregulated use of the wetland or watercourse. The Agency shall rule that the proposed operation or use is a permitted or a nonregulated use or operation or that a permit is required. Such ruling shall be in writing (i.e. approved minutes) and shall be made no later than fifteen (15) days after the next regularly scheduled meeting of the Agency following the meeting at which the application was accepted as complete. Initiation of the permitted use or operation shall be within one (1) year and any ruling pursuant to this section shall expire one (1) year from date of issue unless otherwise extended by the Agency.

SECTION 5

REGULATED ACTIVITIES TO BE LICENSED

- 5.1** No person shall conduct or maintain a regulated activity without first obtaining a permit for such activity from the Agency.
- 5.2** The Agency shall regulate any operation within or use of a wetland or watercourse involving removal or deposition of material, or any obstruction, construction, alteration or pollution, of such wetlands or watercourses and any other regulated activity, unless such operation or use is permitted or non-regulated pursuant to Section 4 of these regulations.
- 5.3** Any person found to be conducting or maintaining a regulated activity without the prior authorization of the Agency, or violating any other provision of these regulations, shall be subject to the enforcement proceedings and penalties prescribed in Section 13 of these regulations and any other remedies as provided by law.
- 5.4** In addition to any permit or approval required by the agency, the Commissioner of Environmental Protection shall regulate activities in or affecting wetlands or watercourses subject to the following jurisdiction. ,
- a.** Construction or modification of any dam pursuant to Sections 22a-40 1 through 22a-411 of the Connecticut General Statutes, as amended.

b. Construction, encroachment or placement of any obstruction within stream channel encroachment lines pursuant to Sections 22a-342 through 22a-349a of the Connecticut General Statutes, as amended.

c. Construction or placement of any structure or obstruction within the tidal, coastal or navigable waters of the state pursuant to Sections 22a-359 through 22a-363 or in designated tidal wetlands pursuant to Sections 22a-28 through 22a-35 of the Connecticut General Statutes, as amended.

d. Diversion of water, including withdrawals of surface or groundwater in excess of fifty thousand (50,000) gallons per day or any piping, culverting, channelization, relocation, damming or other alteration of the location of flow of any surface waters of the state where the tributary watershed area above the point of such alteration is 100 acres or larger, pursuant to Sections 22a-365 through 22a-378a of the Connecticut General Statutes, as amended.

e. Discharges into the waters of the state pursuant to Section 22a-430 of the Connecticut General Statutes, as amended.

f. Discharge of fill or dredge materials into the wetlands and watercourses of the state pursuant to Section 401 of the Federal Clean Water Act, as amended, for activities regulated by the U.S. Army Corps of Engineers under Section 404 of the Federal Clean Water Act.

5.5 Section 5.1 preceding shall not apply to emergency work in a regulated area which is immediately necessary to protect the health, safety and well-being of any person or to prevent imminent damage to personal or real property, providing the Agency is given immediate verbal notification and written notification within 48 hours after commencement of the work and within 48 hours of the completion of such work. Such emergency work shall be performed so as to cause the least change, modification, disturbance or damage to the regulated area. Every reasonable effort, as determined by the Agency, shall be made to restore the regulated area to its original, natural condition by the person conducting such necessary emergency work. The person conducting the emergency work, or causing the emergency work to be conducted, shall submit an inland wetland permit application for the work within seven (7) calendar days of the initiation of the emergency work.

SECTION 6

APPLICATION REQUIREMENTS

- 6.1** Any person wishing to undertake a regulated activity shall apply for a permit on a form entitled "Application for Permission to Conduct a Regulated Activity within an Inland Wetland or Watercourse Area in the Town of Weston". An application shall include an application form and such information as prescribed by Section 6.2 and, in the case of a significant activity, by Section 6.3 of these regulations. Application forms may be obtained in the offices of the Weston Conservation Commission.

a. In addition, a Statewide Inland Wetland & Watercourse Activity Reporting Form shall be completed during the application process which provides the Commissioner of the DEP with information necessary to properly monitor the inventory of State wetlands. The reporting form shall be part of the application and specified sections shall be completed by the applicant. The Agency shall be responsible for the remaining information and any corrections on the form prior to filing it with the State.

- 6.2** All applications shall contain such information in writing or on maps or drawings that is necessary for a fair and informed determination of the issues, including the following:

- a.** The applicant's name, home and business address and telephone numbers;
- b.** The owner's name, address and telephone number and written consent if the applicant is not the owner of the property involved in the application;
- c.** Applicant's interest in the land;
- d.** The geographical location of the property which is to be affected by the proposed activity, including but not limited to a description of the land in sufficient detail to allow identification of the inland wetlands and watercourses, a computation of the area(s) (in acres or square feet) of wetland or watercourse disturbance, soil type(s) and vegetation;

e. The purpose and a description of the proposed activity and proposed erosion and sedimentation controls and other management practices and mitigation measures which may be considered as a condition of issuing a permit for the proposed regulated activity including, but not limited to, measures to (a) prevent or minimize pollution or other environmental damage, (b) maintain or enhance existing environmental quality, or (c) in the following order or priority: restore, enhance and create productive wetland or watercourse resources~

f. Alternatives considered by the applicant are to be submitted as part of the application and if required by the Agency, shall be diagrammed on a site plan or drawing, as well as why the proposal to alter wetlands set forth in the application was chosen;

g. A site plan showing existing and proposed conditions in relation to wetlands and watercourses and identifying any further activities associated with, or reasonably related to, the proposed regulated activity which are made inevitable by the proposed regulated activity and which may have an impact on wetlands or watercourses.

h. Names and addresses of all adjacent property owners;

i. Certification that the applicant is familiar with all the information provided in the application and is aware of the penalties for obtaining a permit through deception or through inaccurate or misleading information;

j. Authorization for the commissioners and agents of the Agency to inspect the property,- at reasonable times, both before and after a final decision has been issued;

k. Any other information the Agency deems necessary to the understanding of what the applicant is proposing;

l. Payment of the appropriate filing fee based on the fee schedule in effect at the time of the submission of the application.

m. Applications involving the installation of a new septic system will be accompanied by percolation test results.

6.3 If the proposed activity involves a significant activity as determined by the Agency and defined in Section 2.1 ff of these regulations, additional information, based on the nature and anticipated effects of the activity, including but not limited to the following, is required:

- a.** Site plans for the proposed use or operation of the property which will be affected, which show existing and proposed conditions, wetland and watercourse boundaries, land contours, boundaries of land ownership, proposed alterations and uses of wetlands and watercourses, and other pertinent features of the development drawn by a licensed surveyor, professional engineer or architect registered in the State of Connecticut or by such other qualified person acceptable to the Agency;
- b.** Engineering reports and analyses and additional drawings to fully describe the proposed project and any filling, excavation, drainage or hydraulic modifications to watercourses and the proposed erosion and sedimentation control plan.
- c.** Mapping of soil types consistent with categories established by the National Cooperative Soil Survey of the Natural Resource Soil Conservation Service (the Agency may require the applicant to have the wetlands delineated in the field by a soil scientist and that the field delineation be incorporated onto the plans);
- d.** Description of the ecological communities and functions of the wetlands or watercourses involved with the application and the effects of the proposed regulated activities on these communities and wetland functions;
- e.** Description of how the applicant will change, diminish, or enhance the ecological communities and functions of the wetlands or watercourses involved in the application, and with each alternative, a description of why each alternative considered was deemed neither feasible nor prudent;
- f.** Analysis of chemical or physical characteristics of any fill material;
- g.** Measures such as sedimentation and erosion control plans which mitigate the impact of the proposed activity. Such measures include, but are not limited to, plans or actions which avoid destruction or diminution of wetland or watercourse functions, recreational uses and natural habitats, which prevent flooding, degradation of water quality, erosion and sedimentation and obstruction of drainage, or which otherwise safeguard water resources.
- h.** Analysis of the downgradient and downstream impact of the proposed activity.

- 6.4** The applicant shall certify whether:
- a.** Any portion of the property on which the regulated activity is proposed is located within 500 feet of the boundary of an adjoining municipality;
 - b.** Sewer (septic systems) or water drainage from the project site will flow through and impact the sewage or drainage system within the adjoining municipality or;
 - c.** Water run-off from the improved site will impact streets or other municipal or private property within the adjoining municipality.
 - d.** Traffic attributable to the completed project on the site will use streets within the adjoining municipality to enter and exit the site.
- 6.5** Eight (8) copies of all application materials shall be submitted to comprise a complete application or as is otherwise directed, in writing, by the Agency.
- 6.6** Any application to extend the expiration date of a previously issued permit or amend an existing permit shall be filed with the Agency at least sixty-five (65) days prior to the expiration date for the permit in accordance with Section 10.6 through Section 10.8 of these Regulations. Any application for amendment, renewal or extension shall be made in accordance with this Section provided:
- a.** The application may incorporate by reference the documentation and record of the original application;
 - b.** The application shall state the reason why the authorized activities were not initiated or completed within the time specified in the permit;
 - c.** The application shall describe any changes in facts or circumstances involved with or affecting wetlands or watercourses, or the property for which the permit was issued;
 - d.** The Agency may accept an untimely application to extend the expiration date of a permit if the authorized activity is ongoing and allow the continuation of work beyond the expiration date if in its judgment, the permit is likely to be extended and the public interest or environment will be best served by not interrupting the activity. The application shall describe the extent of work completed at the time of filing and the schedule for completing the activities authorized in the permit.
 - e.** The Agency shall evaluate the application pursuant to Section 9 of these Regulations and grant the application as filed, grant it with any terms or limitations; or deny it.

- 6.7** Any application to renew a permit shall be granted upon request of the permit holder unless the agency finds that there has been a substantial change in circumstances which requires a new permit application or an enforcement action has been undertaken with regard to the regulated activity for which the permit was issued. All permits shall expire upon the completion of the acts specified therein.
- 6.8** A reporting form shall be completed during the application process which provides the Commissioner of the Department of Environmental Protection with information necessary to properly monitor the inventory of State wetlands. The reporting form shall be part of the application and the following information shall be provided by the applicant: name of applicant; location and name of the project; project and site description; area of wetlands and or linear feet of watercourse proposed to be altered. The Agency shall be responsible for the remaining information and any corrections on the form and for filing it in accordance with Section 22a-39-14 (22a-29(m)-I) of the Inland Wetland and Watercourses Regulations of the Department of Environmental Protection.

SECTION 7

APPLICA TION PROCEDURES

- 7.1** All applications shall be filed with the Agency of the Town of Weston.
- 7.2** In the case of any application where any portion of the wetland or watercourse on which the regulated activity is proposed is located within 500 feet of the boundary of Westport, Wilton, Easton, Redding or Fairfield, the applicant shall give written notice of the proposed activity, certified mail return receipt requested, to the adjacent municipal wetland agency on the same day of filing an inland wetland permit application with the Agency. Documentation of such notice shall be provided to the Agency.
- 7.3** The Agency shall, in accordance with Connecticut General Statutes, Section 22a-42b (Public Act 87-307), notify the clerk of any adjoining municipality of the pendency of any application to conduct a regulated activity when:
- a.** Any portion of the property on which the regulated activity is proposed is located within 500 feet of the boundary of an adjoining municipality;
 - b.** A significant portion of the traffic to the completed project on the site will use streets within the adjoining municipality to enter or exit the site;

c. A significant portion of the sewer or water drainage from the project site will flow through and significantly impact the sewage or drainage systems within the adjoining municipality; or,

d. Water run-off from the improved site will impact streets or other municipal or private property within the adjoining municipality.

Notice of the pendency of such application shall be made by registered mail return receipt requested and shall be mailed within seven (7) days of the date of receipt of the application.

- 7.4** When an application is filed to conduct or cause to be conducted a regulated activity upon an inland wetland or watercourse, any portion of which is within the watershed of a water company as defined in Section 16-1 of the General Statutes, the applicant shall provide written notice of the application to the water company provided such water company has filed a map showing the boundaries of the watershed on the land records of the municipality in which the application is made and with the inland wetlands agency of such municipality. Such notice shall be made by certified mail, return receipt requested, and shall be mailed within seven days of the date of the application. The water company, through a representative, may appear and be heard at any hearing on the application. Documentation of such notice shall be provided to the Agency.
- 7.5** The date of receipt of any application shall be the day of the next regularly scheduled meeting of the Agency immediately following the date of submission to the Agency, provided such meeting is no earlier than three business days after receipt, or thirty-five days after such submission, whichever is sooner.
- 7.6** At any time during the review period, the Agency may require the applicant to provide additional information about the regulated area or regulated activity which is the subject of the application, or wetlands or watercourses affected by the regulated activity. The Agency shall not exceed the required sixty-five (65) day time limit in taking action on an application pending the receipt of additional information as stated in Section 10.2 of these regulations. Requests for additional information shall not stay the time limitations as set forth in Section 10.2 of these regulations.
- 7.7** All applications shall be open for public inspection.
- 7.8** Incomplete applications may be denied.

SECTION 8

PUBLIC HEARINGS

- 8.1** The Agency shall not hold a public hearing on such application unless the agency determines that the proposed activity may have a significant impact on wetlands or watercourses or a petition signed by at least twenty-five persons requesting a hearing is filed with the agency not later than fifteen days after the date of receipt of such application or the agency finds that a public hearing regarding such application would be in the public interest. The agency may issue a permit without a public hearing provided no petition provided for in this section is filed with the Agency not later than fifteen days after the date of receipt of the application. Such hearing shall be held no later than sixty five days after the receipt of such application. All applications and maps and documents relating thereto shall be open for public inspection. Any person may appear and be heard at any such public meeting.
- 8.2** Notice of the public hearing shall be published at least twice at intervals of not less than two days, the first not more than fifteen days and not fewer than ten days, and the last not less than two days before the date set for the hearing in a newspaper having a general circulation in each town where the affected wetland and watercourse is located.
- 8.3** Notice of the public hearing shall be mailed by certified letter by the applicant to the owner(s) of record of abutting land no less than fifteen days prior to the day of the hearing. When applicable, notification must also be made to the Town Clerk of an adjoining municipality. Proof of such notification must be entered into the record.

SECTION 9

CONSIDERATIONS FOR DECISION

- 9.1** The Agency may consider the following in making its decision on an application:
- a.** The application and its supporting documentation:
 - b.** Public comments, evidence and testimony from a public hearing;
 - c.** Reports from other agencies and commissions including but not limited to the Town of Weston.

- 1. Planning and Zoning Commission**
- 2. Building Inspector**
- 3. Appropriate Health Officer of the Town**
- 4. Town Engineer**

d. The Agency may also consider comments on any application from the Fairfield County Soil and Water Conservation District, the Southwest Regional Planning Agency or other regional organizations (i.e., Council of Elected Officials)~ agencies in adjacent municipalities which may be affected by the proposed activity, or other technical agencies or organizations which may undertake additional studies or investigations.

e. Non-receipt of comments from agencies and commissions listed in Section 9. 1.c above shall neither delay nor prejudice the decision of the Agency.

9.2 Standards and Criteria for Decision.

In carrying out the purposes and policies of Sections 22a-36 to 22a-45 of the general statutes, including matters relating to regulating, licensing and enforcing of the provisions thereof, the agency shall take into consideration all relevant facts and circumstances including but not limited to:

- a.** The environmental impact of the proposed regulated activity on wetlands or watercourses, including the effects on the inland wetland's and watercourse's capacity to support fish and wildlife, to prevent flooding, to supply and protect surface and ground waters, to control sediment, to facilitate drainage, to control pollution, to support recreational activities, and to promote public health and safety.
- b.** The applicant's purpose for, and any feasible and prudent alternatives to, the proposed regulated activity which alternatives would cause less or no environmental impact to wetlands or watercourses;
- c.** The relationship between the short-term and long-term impacts of the proposed regulated activity on wetlands or watercourses and the maintenance and enhancement of long-term productivity of such wetlands or watercourses;

d. Irreversible and irretrievable loss of wetland or watercourse resources which would be caused by the proposed regulated activity, including the extent to which such activity would foreclose a future ability to protect, enhance or restore such resources, and any mitigation measures which may be considered as a condition of issuing a permit for such activity including, but not limited to, measures to (a) prevent or minimize pollution or other environmental damage, (b) maintain or enhance existing environmental quality, or (c) in the following order of priority; restore, enhance and create productive wetland or watercourse resources; such measures include, but are not limited to, actions which avoid adverse impacts or lessen impacts on wetlands and watercourses and which could be feasibly carried out by the applicant and would protect the wetland's or watercourse's natural capacity to support fish and wild life, prevent flooding to, supply and protect surface and ground waters, to control sedimentation, to prevent erosion, to assimilate wastes, to facilitate drainage, to control pollution, to support recreational activities and open space, and to promote public health and safety.

e. The character and degree of injury to, or interference with, safety, health, or the reasonable use of property, including abutting, downgradient or upgradient property, which would be caused or threatened by the proposed activity, or the creation of conditions which may do so. This includes recognition of potential damage from erosion, turbidity, or siltation, loss of fish and wildlife and their habitat, loss of unique habitat having demonstrable natural, scientific or educational value, loss or diminution of beneficial aquatic organisms and wetland plants, the dangers of flooding and pollution, and the destruction of the economic, aesthetic, recreational and other public and private uses and values of wetlands and watercourses to the community; and

f. Impacts of the proposed regulated activity on wetlands or watercourses outside the area for which the activity is proposed and future activities associated with, or reasonably related to, the proposed regulated activity which are made inevitable by the proposed regulated activity and which may have an impact on wetlands or watercourses.

9.3 In the case of an application which received a public hearing pursuant to a finding by the Agency that the proposed activity may have a significant impact on a wetlands and watercourses, a permit shall not be issued unless the Commission finds on the basis of the record that a feasible and prudent alternative does not exist. In making this finding the agency shall consider the facts and circumstances set forth in subsection 9.2. The finding and the reasons therefore shall be stated on the record in writing.

- 9.4** In the case of an application which is denied on the basis of a finding that there may be feasible and prudent alternatives to the proposed regulated activity which have less adverse impact on wetlands or watercourses, the Agency shall propose on the record in writing the types of alternatives which the applicant may investigate, provided this subsection shall not be construed to shift the burden from the applicant to prove that he is entitled to the permit or to present alternatives to the proposed regulated activity.
- 9.5** In reaching its decision on any application after a public hearing, the Agency shall base its decision on the record of that hearing. Documentary evidence or other material not in the hearing shall not be considered by the Agency in reaching its decision. However, the Agency is not precluded from seeking advice from its own experts on information already in the record of the public hearing.
- 9.6** In reaching its decision, the Agency will not take into consideration any economic hardship which arises or might arise which may impact on the applicant as a result of his own actions.

SECTION 10

DECISION PROCESS AND PERMIT

- 10.1** In granting a permit the Agency, or its duly authorized agent, may grant the application as filed or grant it upon other terms, conditions, limitations or modifications of the regulated activity which are designed to carry out the policy of Sections 22a-36 to 22a-45, inclusive, of the General Statutes. Such terms may include any reasonable measures which would mitigate the impacts of the regulated activity and which would (a) prevent or minimize pollution or other environmental damage, (b) maintain or enhance existing environmental quality, or (c) in the following order or priority: restore, enhance and create productive wetland or watercourse resources.

- 10.2** No later than sixty-five (65) days after acceptance of an application, the Agency may hold a public hearing on such application. The hearing shall be completed within forty-five (45) days of its commencement and action shall be taken on applications within thirty-five (35) days after completion of a public hearing. In the absence of a public hearing, action shall be taken on applications within sixty-five (65) days from the date of acceptance of the application. The applicant may consent to one or more extensions of the periods specified in this subsection for the holding of the hearing and for action on such application, provided the total cumulative extensions of any such periods shall not be for longer than the original period as specified in this subsection, or may withdraw such application. The failure of the Agency to act within any time period specified in this subsection, or any extension thereof, shall not be deemed to constitute approval of the application. An application deemed incomplete by the Agency must either be withdrawn by the applicant or denied by the Agency.
- 10.3** The Agency shall state upon its record the reasons and bases for its decision and ~n the case of a public hearing, such decision shall be based fully on the record of such hearing and shall be in writing. A statement relative to the consideration of feasible and prudent alternatives shall be incorporated.
- 10.4** The Agency shall notify the applicant and any named parties to the proceeding of its decision within fifteen (15) days of the date of the decision by certified mail, return receipt requested, and the agency shall cause notice of its order in the issuance or denial of the permit, to be published in a newspaper having general circulation in the T own of Weston wherein the inland wetland or watercourse lies. In any case in which such notice is not published within such fifteen day period, the applicant may provide for the publication of such notice within ten days thereafter. A copy of all Agency decisions shall be forwarded to the Commissioner of Environmental Protection in such a form as prescribed by the Commissioner.
- 10.5** If an activity authorized by the Agency permit also involves an activity or project which requires zoning or subdivision approval, a special zoning permit, variance or special exception, a copy of the decision (minutes) and report on the application shall be filed with the appropriate Board or Commission within fifteen (15) days of the decision.

- 10.6** If the Agency denies the permit without prejudice, or if it grants a permit with terms, conditions, limitations or modifications, the applicant may attempt to modify the proposal to the Agency's satisfaction. The Agency shall determine whether the proposed modification requires the filing of a new application. The rejection of a modified or corrected application by the Agency shall be equivalent to the denial of an application for the purposes of appeal.
- 10.7** If the Agency denies a permit, the application shall not be resubmitted unless the proposal is modified in a fashion that substantially changes the impacts which resulted in the denial. Such submittal shall take the form of a new application.
- 10.8** Any permit issued by the agency for the development of land for which an approval is required under section 8-3, 8-25 or 8-26 of the Connecticut General Statutes shall be valid for five years provided the agency may establish a specific time period within which any regulated activity shall be conducted. Any permit issued by the Agency for any other activity shall be valid for two years, unless the Agency upon approval of the activity specifies a longer period of validity, not to exceed five years.
- 10.9** Permits may be transferred providing the party to whom the permit is transferred submits a notarized letter to the Agency stating that there will be no changes in the plan. The letter must also state that the party understands and will comply with all conditions of approval of the original application. The Agency shall approve all transfers in writing prior to any transfer occurring.
- 10.10** If a bond or insurance is required in accordance with Section 12 of these regulations, no permit shall take effect until such bond or insurance is provided.
- 10.11** General provisions in the granting of all permits:
- a.** If the Agency relied in whole or in part on information provided by the applicant and if such information subsequently proves to be false, deceptive, incomplete or inaccurate, the permit may be modified, suspended or revoked.
 - b.** All permits granted by the Agency are subject to and do not derogate any present or future rights or powers of the Agency or the Town of Weston, and convey no rights in real estate or material nor any exclusive privileges, and are further subject to any and all public and private rights and to any federal, state, and municipal laws or regulations pertinent to the property or activity.

c. If the activity authorized by the inland wetland permit also involves an activity or a project which requires zoning or subdivision approval, special permit, variance or special exception, no work pursuant to the wetland permit may begin until such approval is obtained.

d. The permittee shall take such necessary steps, consistent with the terms and conditions of the permit, to control storm water discharges and to prevent erosion and sedimentation and to otherwise prevent pollution to wetlands and watercourse.

SECTION 11

ACTION BY DULY AUTHORIZED AGENT

11.1 The Agency may delegate to its duly authorized agent the authority to approve or extend an activity that is not located in a wetland or watercourse when such agent finds that the conduct of such activity would result in no greater than a minimal impact on any wetlands or watercourses, provided such agent has completed the comprehensive training program developed by the commissioner pursuant to Section 22a-39 of the general statutes. Requests for such approval shall be made on a form provided by the agency and shall contain the information listed under Section 6.2 of these regulations and any other information the agency may reasonably require. Notwithstanding the provisions for receipt and processing applications prescribe~ Sections 7, and 10 of these regulations, such agent may approve or extend such an activity at any time.

11.2 Any person receiving such approval from such agent shall, within ten days of the date of such approval, publish, at the applicant's expense, notice of the approval in a newspaper having a general circulation in the town wherein the activity is located or will have an effect. Any person may appeal such decision of such agent to the Agency within fifteen days after the publication date of the notice and the agency shall consider such appeal at its next regularly scheduled meeting provided such meeting is no earlier than three business days after receipt of such appeal. Any person may appear and be heard at the meeting held by the agency to consider the subject appeal. The agency shall, at its discretion, sustain, alter, or reject the decision of its agent or require an application for a permit in accordance with Section 7 of these regulations.

- 11.3** The designated agent shall endeavor to process, i.e., receive, inspect, evaluate, and make a decision on, all applications in a timely manner consistent with the nature of the regulated activity and area proposed. However, no later than sixty-five (65) days after receipt of an application, the designated agent shall take definitive and conclusive action in approving, approving with conditions, or declining to approve, an application.
- 11.4** If the designated agent fails to act within the prescribed time period, the application shall be reviewed and a decision rendered by the Agency at its next regularly scheduled meeting.

SECTION 12

BOND AND INSURANCE

- 12.1** Upon approval of the application and prior to granting a permit, the applicant may be required, at the discretion of the Agency, to file a bond with such surety in such amount and in a form approved by the Agency.
- 12.2** The bond or surety shall be conditioned on compliance with all provisions of these regulations and the terms, conditions and limitations established in the permit.
- 12.3** The Agency may require the applicant to certify that it has public liability insurance against liability which might result from the proposed operation or use of the wetlands or watercourses covering any and all damage which might occur within two (2) years of completion of such operations, in an amount to be determined by the Agency commensurate with the regulated activity.

SECTION 13

ENFORCEMENT

- 13.1** The Agency may appoint an agent or agents to act' in its behalf with the authority to inspect property except a private residence, and issue notices of violation or cease and desist orders and carry out other actions or investigations necessary for the enforcement of these regulations.

- 13.2** The Agency or its agent may make regular inspections, at reasonable hours, of all regulated activities for which permits have been issued under these regulations.
- 13.3** If the Agency or its duly authorized agent finds that any person is conducting or maintaining any activity, facility or condition which is in violation of the Act or these regulations, the Agency or its duly authorized agent may:
- a.** issue a written order to be either hand delivered or sent by certified mail, return receipt requested, to such person conducting such activity or maintaining such facility or condition to immediately cease such activity or to correct such facility or condition. Within ten (10) calendar days of the issuance of such order the Agency shall hold a hearing to provide the person an opportunity to be heard and show cause why the order should not remain in effect. The Agency shall consider the facts presented at the hearing and within ten (10) days of the completion of the hearing notify the person by certified mail that the original order remains in effect, that a revised order is in effect, or that the order has been withdrawn. The Agency shall publish notice of its decision in a newspaper having general circulation in the Town of Weston. The original order shall be effective upon issuance and shall remain in effect until the Agency affirms, revises or withdraws the order. The issuance of an order pursuant to this section shall not delay or bar an action pursuant to Section 22a-44(b) of the General Statutes, as amended;
 - b.** suspend or revoke a permit if it finds that the permittee has not complied with the terms, conditions or limitations set forth in the permit or has exceeded the scope of the work as set forth in the application including application plans. Prior to revoking or suspending any permit, the Agency shall issue notice to the permittee, personally or by certified mail, return receipt requested, setting forth the facts or conduct which warrants the intended action. The Agency shall hold a hearing to provide the permittee an opportunity to show compliance with the permit and any and all requirements for retention of the permit. The permittee shall be notified of the Agency's decision to suspend, revoke, or maintain a permit by (personal service or certified mail) within fifteen (15) days of the date of its decision. The Agency shall publish notice of the suspension or revocation in a newspaper having general circulation in the municipality.
 - c.** issue a notice of violation to such person conducting such activity or maintaining such facility or condition, stating the nature of the violation, the jurisdiction of the Agency, and prescribing the necessary action and steps to correct the violation including, without limitation, halting work in wetlands or watercourses. The Agency may request that the individual appear at the next regularly scheduled meeting of the Agency to discuss the unauthorized activity, and/or provide a written reply to the notice or

file a proper application for the necessary permit. Failure to carry out the action(s) directed in a notice of violation may result in issuance of the order provided in Section 13.3a or other enforcement proceedings as provided by law.

d. Record a certificate or notice of a cease and desist order or order to correct an inland wetland or watercourse violation with the town clerk for recording in the town's land records. The certificate will be released upon compliance with the order.

- 13.4** In accordance with Section 22a-42g of the Connecticut General Statutes, any person violating any provisions of these regulations may be subject to fines pursuant to ordinances of the town of Weston as may be enacted or amended from time to time.

SECTION 14

AMENDMENTS

- 14.1** These regulations and the "Designated Inland Wetlands and Watercourses Map" of the Town of Weston, dated September 7, 1976, may be amended, from time to time, by the Agency in accordance with changes in the Connecticut General Statutes or regulations of the State Department of Environmental Protection, or as new information regarding soils and inland wetlands and watercourses becomes available. At least thirty-five (35) days prior to the commencement of a public hearing on their adoption, the Agency shall send the Commissioner of DEP a copy of the notice and the proposed regulation or amendments thereto, except for determinations of boundaries.
- 14.2** An application filed with the Agency which is in conformance with the applicable Inland Wetlands Regulations as of the date of the receipt of such application shall not be required thereafter to comply with any change in Inland Wetlands Regulations, taking effect on or after the date of such receipt and any appeal from the decision of such Agency with respect to such application shall not be dismissed by the superior court on the grounds that such a change has taken effect on or after the date of such receipt. The provisions of this section shall not be construed to apply (1) to the establishment, amendment or change of boundaries of inland wetlands or watercourses or (2) to any change in regulations necessary to make such regulations consistent with the provisions of Chapter 440 of the General Statutes as of the date of such receipt.

14.3 Petitions requesting changes or amendments to the "Designated Inland Wetlands and Watercourses Map of the Town of Weston" shall contain at least the following information:

- a.** The petitioner's name, address and telephone number;
- b.** The owner's name (if not the petitioner), address, telephone number, and a written consent to the proposed action set forth in the application;
- c.** Petitioner's interest in the land affected by the petition.
- d.** Map(s) showing the geographic location of the land affected by the petition and the existing and the proposed wetland(s) boundaries on such land in accurate detail together with the documentation supporting such proposed boundary locations;
- e.** The reasons for the requested action;

14.4 Any person who submits a petition to amend the designated inland wetlands and watercourses map of the Town of Weston, Connecticut, dated September 7, 1976 shall bear the burden of proof for all requested map amendments. Such proof may include, but is not limited to, professional interpretation of aerial photography and remote sensing imagery, resource mapping soils, mapping, or other information acceptable to the agency. If such person is the owner, developer or contract purchaser of the land which is the subject of the petition, or if such person is representing the interests of such an owner, developer or purchaser, in addition to the information required in Subsection 14.3, the petition shall include:

- 1. The name, address and telephone number of the owner(s) of such land and owner(s) agent or other representative;
- 2. The names and addresses of the owners of abutting land;
- 3. Documentation by a soil scientist of the distribution of wetland soils on said land. Such documentation shall at a minimum include the report of the soil scientist documenting the location of wetland soils on the land and a map of the said land indicating the flag locations set by the soil scientist and defining the boundaries of wetland soil types; and
- 4. Map(s) showing any proposed development of the and in relation to existing and proposed wetland and watercourse boundaries.

14.5 Inland wetlands and watercourses shall be delineated by a certified soil scientist, geologist, ecologist or other qualified individual acceptable to the Agency.

- 14.6** A public hearing shall be held on petitions to amend the "Designated Inland Wetland and Watercourses Map". Notice of the hearing shall be published in a newspaper having substantial circulation in the Town of Weston, at least twice at intervals of not less than two days, the first not more than twenty-five days nor less than fifteen days, and the last not less than two days, before such hearing. A copy of such proposed boundary change shall be filed in the office of the Town Clerk, for public inspection at least ten days before such hearing.
- 14.7** Within ninety (90) days after receipt of a petition for a change in the mapped boundaries of any wetland or watercourse, the Agency shall hold a public hearing to consider the petition. The Agency shall act upon the changes requested in such petition within sixty (60) days after the close of the hearing. The public hearing shall be concluded within forty-five (45) days. The petitioner may consent to one or more extensions of the periods specified in this subsection for the holding of the hearing and for action on such petition, provided the total extension of any such period shall not be for longer than the original period as specified in this subsection, or may withdraw such petition. The failure of the Agency to act within any time period specified in this subsection, or any extension thereof, shall not be deemed to constitute approval of the petition.
- 14.8** The Agency shall make its decision and state, in writing, the reasons why the change in the Inland Wetland and Watercourses Map was made.

SECTION 15

APPEALS

- 15.1** Appeal on actions of the Agency shall be made in accordance with the provisions of Section 22a-43 of the General Statutes, as amended.
- 15.2** Notice of such appeal shall be served upon the Agency and the Commissioner of Environmental Protection.

SECTION 16

CONFLICT AND SEVERANCE

- 16.1** If there is a conflict between the provisions of these regulations, the provision which imposes the most stringent standards for the use of wetlands and watercourses shall govern. The invalidity of any word, clause, sentence, section., part, subsection or provision of these regulations shall not affect the validity of any other part which can be given effect without such valid part or parts.
- 16.2** If there is a conflict between any provision of these regulations and the provision of the Act, the provisions of the Act shall govern.

SECTION 17

OTHER PERMITS

- 17.1** Nothing in these regulations shall obviate the requirements for the applicant to obtain any other assents, permits or licenses required by law or regulation by the Town of Weston, State of Connecticut and the Government of the United States including any approval required by the Connecticut Department of Environmental Protection and the U. S. Army Corps of Engineers. Obtaining such assents, permits or licenses is the sole responsibility of the applicant.

SECTION 18

EFFECTIVE DATE OF REGULATIONS

- 18.1** These regulations shall become effective upon filing in the Office of the Town Clerk and publication of a notice of such action in a newspaper having general circulation in the Town of Weston.